

to the bill S. 600, supra; which was ordered to lie on the table.

SA 290. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 291. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 266.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 55, strike lines 3 through 11.

**SA 267.** Mr. MCCAIN (for himself, Mr. DEWINE, Mr. GRAHAM, Mr. KYL, Mr. CORZINE, Ms. COLLINS, and Mr. BURNS) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

#### **TITLE XXIX—TRADE TREATMENT OF UKRAINE**

##### **SEC. 2901. FINDINGS.**

Congress finds that Ukraine has

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction; and

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974.

##### **SEC. 2902. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.**

(a) **PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) **TERMINATION OF APPLICATION OF TITLE IV.**—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

**SA 268.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal

years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 59, strike lines 16 through 25 and insert the following:

“(a) **AUTHORITY.**—Grants authorized under section 305 shall be available to make annual grants to Middle East Broadcasting Networks for the purpose of carrying out radio and television broadcasting.

“(b) **FUNCTION.**—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

**SA 269.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 60, between lines 20 and 21, insert the following:

“(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation at such rate authorized for Level II of the Executive Schedule provided in section 5313 of title 5, United States Code, and such compensation shall be subject to the provisions of section 5307 of such title.

**SA 270.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 64, strike lines 3 through 6, and insert the following:

(4) **CREDITABLE SERVICE.**—

(A) **IN GENERAL.**—Section 8332(b)(11) of title 5, United States Code, is amended by inserting “the Middle East Broadcasting Networks;” after “the Asia Foundation;”.

(B) **OTHER REQUIREMENTS.**—With regard to creditable service with the Middle East Broadcasting Networks, the Broadcasting Board of Governors shall—

(i) pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph (4), computed using dynamic assumptions; and

(ii) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

**SA 271.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 110, between lines 4 and 5, insert the following new section:

#### **SEC. 812. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2005” and inserting “October 1, 2008”.

**SA 272.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 47, line 13, strike “and”;

On page 47, line 15, strike the period at the end and insert as semicolon and “and”.

On page 47, between lines 15 and 16, insert the following:

(3) by striking “or allowances” and inserting “allowances, or annuities”.

**SA 273.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 12, strike lines 11 through 13, and insert the following:

(2) **AVAILABILITY OF FUNDS.**—

(A) **FISCAL YEAR 2006.**—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) **FISCAL YEAR 2007.**—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

**SA 274.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 1, after line 2, insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007”.

**SA 275.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

Beginning on page 150, strike line 18 and all that follows through page 151, line 4, and insert the following:

(a) **CLARIFICATION OF AUTHORITY.**—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended by adding at the end “Such assistance

may also include assistance for demining activities, clearance of unexploded ordnance, destruction of small arms and related ammunition when determined to be in the national security interest of the United States, and related activities, notwithstanding any other provision of law.”.

**SA 276.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 272, line 15, strike “weapons,” and insert “weapons and related ammunition when determined to be in the national security interest of the United States.”.

**SA 277.** Mr. LUGAR (for Mr. BIDEN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 74, between lines 2 and 3, insert the following new section:

**SEC. 603. PASSPORT FEES.**

Section 1 of the Act of June 4, 1920 (22 U.S.C. 214) is amended in the third sentence by striking “or from a widow, widower, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member” and inserting “or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member”.

**SA 278.** Mrs. BOXER (for herself, Ms. SNOWE, Mrs. MURRAY, Mrs. CLINTON, Mr. JEFFORDS, Mr. CORZINE, and Ms. MIKULSKI) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 172, after line 23, insert the following:

**SEC. 2227. GLOBAL DEMOCRACY PROMOTION.**

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

**SA 279.** Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 24, strike lines 1 through 5.

**SA 280.** Mr. LUGAR (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

(Purpose: To impose an economic sanction on foreign countries that owe parking fines and penalties or property taxes to Washington, D.C. or New York City)

At the appropriate place, insert the following new section:

**SEC. . WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES.** (a) IN GENERAL.—Subject to subsection (c), of the funds made available by this Act for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country.

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a) shall be paid to the jurisdiction to which the unpaid fully adjudicated parking fines or penalties or unpaid property taxes are owed.

(c) AMOUNTS WITHHELD TO BE ADDITIONAL FUNDS.—Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) WAIVER.—(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) REPORT.—Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the appropriate congressional committees describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property

taxes and interest owed by nations receiving foreign assistance under this Act.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) The term “fully adjudicated” includes circumstances in which the person or government to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or (ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2005.

(4) The term “unpaid property taxes” means the amount of unpaid taxes and interest determined by a court or other tribunal to be owed by a foreign country on real property in the District of Columbia or New York, New York.

**SA 281.** Mr. BAUCUS (for himself and Mr. HARKIN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

**TITLE XXIX—AGRICULTURAL EXPORTS**

**SEC. 2901. SHORT TITLE.**

This title may be cited as the “Agricultural Export Facilitation Act of 2005”.

**SEC. 2902. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The export sector of United States agriculture makes an important positive contribution to this country’s trade balance.

(2) The total value of United States exports of agricultural products shipped to Cuba since 2000 when such sales were first authorized by Congress is approximately \$1,000,000,000, including transportation, port fees, and insurance costs. In December 2001, Cuba purchased approximately \$4,300,000 in food and agricultural products. In 2002, Cuba purchased approximately \$138,600,000 in food and agricultural products. In 2003, Cuba purchased approximately \$256,900,000 in food and agricultural products. In 2004, Cuba purchased approximately \$380,000,000 in food and agricultural products. Cuba ranked at the bottom of 226 agricultural export markets for United States companies in 2001; ranked 50th of 226 in 2002; ranked 35th of 219 in 2003; and ranked approximately 25th of 228 in 2004. Cuba is therefore an important source of revenue for United States agriculture and its affiliated industries, such as manufacturers and distributors of value-added food products.

(3) To be competitive in sales to Cuban purchasers, United States exporters of agricultural products and their representatives, including representatives of United States air or sea carriers, ports and shippers, must have ready and reliable physical access to

Cuba. Such access is currently uncertain because, under existing regulations, United States exporters and their representatives must apply for and receive special Treasury Department licenses to travel to Cuba to engage in sales-related activities. The issuance of such licenses is subject to both administrative delays and periodic denials. A blanket statutory authorization for sales and transport-related travel to Cuba by United States exporters will remove the current bureaucratic impediment to agricultural product sales endorsed by Congress when it passed the Trade Sanctions Reform and Export Enhancement Act of 2000.

(4) On many occasions United States visas have been delayed and often denied to prospective Cuban purchasers of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000. The result has been that family farmers and other small producers and distributors of agricultural products who lack the resources to fund sales delegations to Cuba have been denied access to potential purchasers in that country. A simple solution is for the Department of State to issue visas to Cuban nationals who demonstrate an itinerary of meetings with prospective United States exporters of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000. In addition, visas should be issued to Cuban phytosanitary inspectors who require entry into the United States to conduct on-premise inspections of production and processing facilities and the products of potential United States exporters.

(5) The Trade Sanctions Reform and Export Enhancement Act of 2000 requires "payment of cash in advance" for United States agricultural exports to Cuba. Some Federal agencies responsible for the implementation of the Trade Sanctions Reform and Export Enhancement Act of 2000 have expressed the view that "cash in advance" requires that payment be received by a United States exporter in advance of shipment of goods to Cuba. Indeed, late last year payments due United States exporters from purchasers in Cuba were frozen in United States banks while the terms of those payments were reviewed unnecessarily. This action by the Department of the Treasury has created a climate of commercial uncertainty that has inhibited agricultural sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 to Cuba.

(6) There is nothing in either the Trade Sanctions Reform and Export Enhancement Act of 2000 itself or its legislative history to support the view that Congress intended payment to be made in advance of the shipment of goods from this country to Cuba. It was and is the intent of Congress that a seller of a product authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 receive payment only before a Cuban purchaser takes physical possession of that product.

(7) At present it is the policy of the United States Government to prohibit direct payment between Cuban and United States financial institutions. As a result, Cuban purchasers of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 must route their payments through third country banks that charge a fee for this service. Allowing direct payments between Cuban and United States financial institutions will permit the United States exporters to receive payment directly to their financial institutions within hours instead of days and will eliminate an unnecessary transactional fee, thereby allowing

Cuban purchasers to purchase more United States origin agricultural products.

(8) Trademarks and trade names are vital assets of the United States companies that export branded food products, including those who today or in the future may sell such products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000. Hundreds of United States companies have registered their trademarks in Cuba in order to ensure the exclusive right to use those trademarks when the United States trade embargo on that country is lifted. Moreover, following the enactment of the Trade Sanctions Reform and Export Enhancement Act of 2000, many United States companies are today exporting branded food products to Cuba where they hope to establish their brands with Cuban purchasers in order to benefit from current sales under the Trade Sanctions Reform and Export Enhancement Act of 2000, as well as position themselves for the larger post-embargo market for United States goods in Cuba.

(9) Sales to Cuba of branded products of United States companies contribute to the livelihoods of American workers and the balance sheets of United States businesses. Those sales depend on the security of United States trademarks and trade names protected in Cuba by reciprocal treaties and agreements for the protection of intellectual property. Among such treaties and agreements are the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Inter-American Convention for Trademark and Commercial Protection.

(10) The United States District Court for the Southern District of New York ruled that section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 abrogates, with respect to Cuba, the Inter-American Convention on Trademarks and Commercial Protection. The court's ruling was affirmed by the United States Court of Appeals for the Second Circuit.

(11) Cuba's international remedy under customary international law (as codified by Article 60 of the 1969 Vienna Convention on Treaties), for a breach by the United States of the Inter-American Convention, is to suspend or revoke the protections Cuba currently affords United States trademarks and trade names.

(12) In order to preserve the rights of United States nationals holding trademarks in Cuba, including those engaged in authorized sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 now and in the future, the United States must repeal section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 and the United States must comply with all treaty obligations owed Cuba as they relate to trademarks and trade names.

(b) PURPOSE.—The purpose of this title is to remove impediments to present and future sales of United States agricultural products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000 and to otherwise facilitate such sales.

#### **SEC. 2903. TRAVEL TO CUBA IN CONNECTION WITH AUTHORIZED SALES ACTIVITIES.**

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

"(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURE IN CUBA BY PERSONS ENGAGING IN TSREEA OF 2000 SALES AND MARKETING ACTIVITIES IN THAT COUNTRY AND TSREEA-RELATED TRANSPORTATION ACTIVITIES.—

"(1) IN GENERAL.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, for travel to, from, or within Cuba in connection with activities undertaken in connection with sales and marketing, including the organization and participation in product exhibitions, and the transportation by sea or air of products pursuant to this Act.

"(2) DEFINITIONS.—In this subsection, the term 'sales and marketing activities' means any activity with respect to travel to, from, or within Cuba that is undertaken by a United States person in order to explore the market in that country for the sale of products pursuant to this Act or to engage in sales activities with respect to such products. The term 'sales activities' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products pursuant to this Act. Persons authorized to travel to Cuba under this section include full-time employees, executives, sales agents and consultants of producers, manufacturers, distributors, shippers, United States air and sea ports, and carriers of products authorized for sale pursuant to this Act, as well as exhibitors and representatives and members of national and State trade organizations that promote the interests of producers and distributors of such products.

"(3) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out the provisions of this subsection."

#### **SEC. 2904. SENSE OF CONGRESS THAT VISAS SHOULD BE ISSUED.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals whose itinerary documents an intent to conduct activities, including phytosanitary inspections, related to purchasing United States agricultural goods under the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000.

#### **(b) PERIODIC REPORTS.—**

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act and every 3 months thereafter the Secretary of State shall submit to the Committees on Finance, Agriculture, Nutrition, and Forestry, and Foreign Relations of the Senate and the Committees on Agriculture, Ways and Means, and International Relations of the House of Representatives a report on the issuance of visas described in subsection (a).

(2) CONTENT OF REPORTS.—Each report shall contain a full description of each application received from a Cuban national to travel to the United States to engage in purchasing activities pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 and shall describe the disposition of each such application.

#### **SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.**

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

"(C) Notwithstanding any other provision of law, the term 'payment of cash in advance' means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

"(i) the transfer of title of such commodity or product to the purchaser; and

“(ii) the release of control of such commodity or product to the purchaser.”.

**SEC. 2906. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.**

Notwithstanding any other provisions of law, the President may not restrict direct transfers from a Cuban financial institution to a United States financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000.

**SEC. 2907. ADHERENCE TO INTERNATIONAL AGREEMENTS FOR THE MUTUAL PROTECTION OF INTELLECTUAL PROPERTY, INCLUDING REPEAL OF SECTION 211.**

(a) **REPEAL OF PROHIBITION ON ENFORCEMENT OF RIGHTS TO CERTAIN UNITED STATES INTELLECTUAL PROPERTIES AND TRANSFER OF SUCH PROPERTIES.**—

(1) **REPEAL.**—Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-2688) is repealed.

(2) **REGULATIONS.**—The Secretary of the Treasury shall promulgate such regulations as are necessary to carry out the repeal made by paragraph (1), including removing any prohibition on transactions or payments to which subsection (a)(1) of section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 applied.

(3) **FURTHER REGULATIONS.**—The Secretary of the Treasury shall amend the Cuban Asset Control Regulations (part 515 of title 31, Code of Federal Regulations) to authorize under general license the transfer or receipt of any trademark or trade name subject to United States law in which a designated national has an interest. The filing and prosecution of opposition and infringement proceedings related to any trademark or trade name in which a designated national has an interest and the prosecution of any defense to such proceedings shall also be authorized by general license.

**SA 282.** Mr. CRAIG (for himself and Mr. ROBERTS) proposed an amendment to amend SA 281 proposed by Mr. BAUCUS (for himself and Mr. HARKIN) to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

In the matter proposed to be added, strike section 2905 and insert the following:

**SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.**

(a) **IN GENERAL.**—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

“(C) Notwithstanding any other provision of law, the term ‘payment of cash in advance’ means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

“(i) the transfer of title of such commodity or product to the purchaser; and

“(ii) the release of control of such commodity or product to the purchaser.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on February 22, 2005.

**SA 283.** Mr. DODD proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the appropriate place in the bill add the following new section:

**SEC. . (a) FINDINGS.**—

(1) During most of last four years relations between the United States and the People's Republic of China have been relatively stable;

(2) The recently released 2004 State Department Country Report on Human Rights continues to characterize China's human rights as poor;

(3) Bilateral economic and trade relations are important components of the US/Chinese relationship;

(4) China's growing international economic and political influence has implications for the United States competitive position and for maintaining a strong domestic industrial base;

(5) Taiwan remains an extremely sensitive and complex bilateral issue between the US and the Peoples Republic of China;

(6) The US decision to establish diplomatic relations with the People's Republic of China in 1979 was based upon the premise that the future of Taiwan would be determined solely by peaceful means and in a manner that was mutually satisfactory;

(7) The Taiwan Relations Act makes clear that peace and stability in the region are in the political, security and economic interests of the United States;

(8) The United States has consistently urged restraint by both China and Taiwan with respect to their actions and declarations; and

(9) The anti-succession law adopted by the Chinese National People's Congress on March 14, 2005 targeted at Taiwan's independence advocates was a provocative action which has altered the status quo in the region.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

1. China's anti-succession law is destabilizing to regional peace and stability, and is therefore of grave concern to the United States;

2. The United States Government should employ all diplomatic means to encourage the repeal of that law so the regional stability can be restored;

3. The United States Government should continue to speak out with respect to China's human rights practices and advocate the release from detention of all political and human rights activists;

4. The United States Government should more effectively promote United States economic and trade interests by insisting that the People's Republic of China lives up to its international trade obligations to respect and safeguard US intellectual property rights and cease artificially pegging its currency exchange rates; and

5. The United States Government should undertake a comprehensive review of the implications of China's growing international economic and political influence that are by-products of its expanding network of trade

agreements, its aggressive shipbuilding programs, its efforts to cement scientific and technological cooperation arrangements, and secure additional oil and gas contracts; and should determine what steps should be taken to safeguard the United States industrial base and maintain and enhance U.S. economic competitiveness and political interests.

**SA 284.** Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 16, strike lines 13 through 21 and insert the following:

(1) **INTERNATIONAL BROADCASTING OPERATIONS.**—For “International Broadcasting Operations,” \$620,050,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(2) **BROADCASTING CAPITAL IMPROVEMENTS.**—For “Broadcasting Capital Improvements,” \$10,893,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(3) **PROHIBITION ON TELEVISION BROADCASTING TO CUBA.**—None of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1) or (2) may be used to provide television broadcasting to Cuba.

**SA 285.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 18, strike “\$13,024,000” and insert “\$20,300,000”.

**SA 286.** Mr. BIDEN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

In lieu of the matter proposed to be stricken, insert the following:

“Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended by adding at the end the following:

“(v) For assessments made during calendar years 2005, 2006, and 2007, 27.1 percent.”

**SA 287.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and

for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 20, striking “There” and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There

On page 12, between lines 3 and 4, insert the following:

(2) NO GROWTH BUDGET.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$80,000,000 shall be withheld for each of the calendar years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004–2005 United Nations biennium budget adopted in December, 2003.

**SA 288.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following new section:

**SEC. 405. UNITED NATIONS OFFICE OF THE INSPECTOR GENERAL.**

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Twenty percent of the funds made available in each fiscal year under section 102(a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—A certification under this subsection is a certification by the Secretary in the fiscal year concerned that the following conditions are satisfied:

(1) ACTIONS BY THE UNITED NATIONS.—

(A) The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 446).

(B) The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not require the approval of the United Nations Budget Office.

(D) The length of the fixed, non-renewable term of the Under-Secretary-General of the Office of Internal Oversight Services is seven years.

(2) ACTIONS BY THE OIOS.—The Office of Internal Oversight Service has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified in writing of that authority.

**SA 289.** Mr. OBAMA (for himself, Mr. INOUE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXII of Division B, add the following new section:

**SEC. 2227. ASSISTANCE TO THE PHILIPPINES.**

(a) FINDINGS.—Congress makes the following findings:

(1) On May 19, 2003, President George W. Bush and President of the Philippines Gloria Macapagal-Arroyo issued a joint statement that stated that “[t]he Presidents agreed that relations are deeper and warmer today than at any time in recent history and noted that those ties are rooted in shared history, shared values, and a common interest in global peace and prosperity. President Bush and President Macapagal-Arroyo paid tribute to a revitalized and maturing bilateral alliance and pledged to strengthen the partnership further in the years ahead.”

(2) According to the Department of State, “[t]he U.S. has important security, commercial and political interests in the Philippines, a treaty ally that straddles important air and sea lanes. . . . In recognition of the critical nature of Philippine support to the Global War on Terrorism, President Bush designated the Philippines as a major Non-NATO ally.”

(3) On February 16, 2005, the Director of Central Intelligence stated: “In the Philippines, Manila is struggling with prolonged Islamic and Communist rebellions. The presence of Jemaah Islamiyah terrorists seeking safe haven and training bases adds volatility and capability to terrorist groups already in place.”

(4) According to the United States Agency for International Development, “[c]orruption and conflict continue to impede the Philippines’ economic and social development. Forty-six percent of the country’s population lives on \$2 per day or less. . . . The Philippines continues to suffer some of the worst effects of underdevelopment: a 2.36 percent rate of population growth; destructive exploitation of natural resources; and vulnerability to political instability. . . . Nevertheless, the Philippines has maintained its democratic institutions and its market-based economic system, as well as its historic ties with the United States.”

(5) Despite the importance of the bilateral relationship between the United States and the Philippines, the budget request submitted by the President for fiscal year 2006 contains decreases in assistance to the Philippines in several important foreign assistance accounts.

(b) ASSISTANCE TO THE PHILIPPINES.—There are authorized to be appropriated to the President for assistance for the Philippines the following amounts for fiscal year 2006:

(1) For “Development Assistance” to carry out the provisions of sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293), \$27,576,000.

(2) For “Child Survival and Health Programs Fund” to carry out the provisions of sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293), \$26,800,000.

(3) For “Economic Support Fund” to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), \$34,720,000.

(4) For “International Narcotics and Law Enforcement” to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), \$2,000,000.

(5) For “Nonproliferation, Anti-Terrorism, Demining, and Related Programs”, \$5,150,000.

(6) For “International Military Education and Training” to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347), \$1,000,000.

(7) For “Foreign Military Financing Program” grants to carry out the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763), \$55,000,000.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the Agency for International Development, shall submit to the appropriate congressional committees a report containing a 10-year strategy for providing assistance to the Philippines.

(2) CONTENT.—The report required under paragraph (1) shall include projected funding levels to help the Government of the Philippines deal effectively with a number of issues facing the country, including poverty, corruption, military reform, economic development, environmental damage, international terrorism, democracy building, and narcotics trafficking.

**SA 290.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, between lines 4 and 5, insert the following:

**SEC. 812. REQUIREMENTS FOR ADMISSION TO THE UNITED STATES.**

(a) REQUIREMENT FOR OATH PRIOR TO OBTAINING VISA.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

“(i) Every alien applying for a non-immigrant visa shall, prior to obtaining such visa, swear or affirm an oath stating that—

“(1) the alien shall adhere to the laws and to the Constitution of the United States;

“(2) the alien will not attempt to develop information for the purpose of threatening the national security of the United States or to bring harm to any citizen of the United States;

“(3) the alien is not associated with a terrorist organization;

“(4) the alien has not and will not receive any funds or other support to visit the United States from a terrorist organization;

“(5) all documents submitted to support the alien’s application are valid and contain truthful information;

“(6) the alien will inform the appropriate authorities if the alien is approached or contacted by a member of a terrorist organization; and

“(7) the alien understands that the alien’s visa shall be revoked and the alien shall be removed from the United States if the alien is found—

“(A) to have acted in a manner that is inconsistent with this oath; or

“(B) provided fraudulent information in order to obtain a visa.”.

(b) REQUIREMENT FOR OATH PRIOR TO ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security or an individual designated by the Secretary of Homeland Security shall require an alien seeking admission to the United States pursuant to a nonimmigrant visa to swear or affirm an oath reaffirming all the information provided by the alien for the purpose of obtaining the nonimmigrant visa.

(2) ADMINISTRATION OF OATH.—The Secretary of Homeland Security shall administer the oath required by paragraph (1) to an alien in the United States prior to the admission of such alien.

(3) FALSE STATEMENTS.—An alien who knowingly and willfully makes a false statement in swearing or affirming the oath required by paragraph (1) shall be subject to the penalties imposed for making a false statement under section 1001 of title 18, United States Code.

(4) ADMISSION DEFINED.—In this subsection, the term “admission” shall have the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

**SA 291.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 318.

# AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEES ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2005, at 2:30 p.m., in open session to receive testimony on active component, reserve component, and civilian personnel programs, in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 5, 2005, at 10 a.m., to hear testimony on “Charities and Charitable Giving: Proposals for Reform”.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Edu-

cation and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Tuesday, April 5, 2005 at 9:30 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON INDIAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, April 5, 2005, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing on S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, April 5, 2005 at 9:30 a.m. on “Oversight of the USA PATRIOT Act.” The hearing will take place in the Hart Senate Office Building room 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

## Witness List

Alberto Gonzales, United States Attorney General, Department of Justice, Washington, DC; and Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice, Washington, DC.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2005 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, April 5, 2005 at 10 a.m. for a hearing entitled, “Monitoring CMS’ Vital Signs: Implementation of the Medicare Prescription Drug Benefit.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation/Merchant Marine be authorized to meet to conduct a hearing on Tuesday, April 5, 2005 at 10 a.m. on Highway, Motor Carrier, and Hazardous Materials Transportation Safety, and Transportation of Household Goods in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that privilege of the floor be granted to Rexon Ryu, a detailee with Senator HAGEL’s office, during consideration of S. 600, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent that Jennifer Gergen and Joseph Bowab, two detailees from the State Department who are serving with the Foreign Relations Committee staff, receive floor privileges during consideration of S. 600.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, at the request of Senator LIEBERMAN, I ask unanimous consent that Andrew Young, a fellow in his office, be granted the privilege of the floor during the consideration of the State Department authorization and all votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY TO APPOINT A COMMITTEE

Mr. KYL. Mr. President, I ask unanimous consent the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Viktor Yushchenko, President of Ukraine, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR WEDNESDAY, APRIL 6, 2005

Mr. KYL. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 a.m. on Wednesday, April 6. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of calendar No. 48, S. 600, the State Department authorization bill, provided that the time until 10 a.m. be equally divided between the chairman and ranking member, provided further that at 10 a.m. the Senate proceed to the vote in relation to Biden amendment No. 286 as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I further ask unanimous consent that immediately